

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
FILE NUMBER: MVP-2006-6909-SLM
PROJECT MANAGER: Stacy Marshall

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 05/21/2007
At the project site? Y ☐ N ☒ Date:

PROJECT LOCATION INFORMATION:

State: WI
County: Dane
Center coordinates of site by latitude & longitude: 42.9986 -89.3183
Approximate size of site/property (including uplands) in acres: 2.12 acres
Name of waterway or watershed: Upper Rock

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands									
Slough	0.34								
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				x	
Is or would be used as habitat by other migratory birds that cross state lines?				x	
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?				x	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☒ Or Approved: ☐

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): Three wetlands were located on the subject property. All three wetlands are the basis of this report. Wetland 1 is small, depressional wetland approximately 0.21 acre in size, and is a low quality fresh wet meadow and wet mesic woodland plant community. The dominant species within the wetland area are jewelweed, garlic mustard, broad-leaf enchanter's nightshade, common buckthorn, green ash, boxelder, and quaking aspen. Wetland 2 is a small degraded emergent wetland approximately 0.02 acres in size. This wetland is characterized by bittersweet nightshade, common water-hemlock, river bank grape, sandbar willow, and box elder. Wetland 3 is comprised of a shrub-carr and wet mesic woodland plant community. The central area is an emergent meadow and shallow march community. The wetland is approximately 1.3 acres in size. Dominant species are jewelweed, white avens, broad-leaf high bush cranberry, common buckthorn, Eastern cottonwood, box elder, and green ash.

The boundary of these wetlands lies entirely within Section 9, Township 6N, Range 10E, Dane County, Wisconsin. The three wetlands are considered intra-state wetlands. Wetland 1, 2, and 3 do not display any connection to, nor are they considered adjacent to (separated by a roadway or other anthropogenic disturbance) any waters of the United States; therefore, the wetlands are considered isolated.

Wetlands 1, 2, and 3 are not, nor are likely to be, used by interstate or foreign travelers for recreation, industry, or commerce. The wetland lies on private property, with no public access. In addition, the three wetlands do not contain fish or shellfish which could be taken and sold. For these reasons, no commerce connection to these wetlands has been established.

No other wetlands or waters of the United States were found on site.